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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,732	04/26/2005	Marcus Burgel	2002p16720WOUS	6472

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,732	Applicant(s) BURGEL ET AL.	
	Examiner LINH BLACK	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the Applicants' response filed 5/19/08. Claims 7-14 are pending in the application. Claims 7 and 11 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Belfiore et al. (US 6990513).

As per claims 7, 11, Belfiore et al. teach programming model which describes how an application may be distributed to varying degrees among the client devices and the server federation. An "application" is defined as body of software that performs a function and may include a Web site...depending on the capabilities of the client, the page and emissary components may run on either the client or the server federation...each of these application components, the page, emissary and fiefdom, contains a body of logic that are used for sending and receiving messages...The messages are defined via schema (for example, XML schema) - col. 9.

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providing compatibility between new and old versions of a schema that are used for defining structures of object and/or data models - col. 10, lines 10-59 (depending on the user interface capabilities of the client, the page component may silently redirect invocations to particular versions of the page that are compatible with the client...The page component may also invoke different page versions depending on the processing capability of the device that is to implement the page component); col. 14, lines 23-49 (downward compatible: by dynamically support new schemas by providing shared mechanisms to recognize data and by transforming data in one schema to another schema); col. 22, lines 27-45 (the event schema is extensible...allows backward (upward) compatible versioning. Event types have well-defined characteristics based on a strong extensible type system).

wherein such schemas describe data structures, each schema having a namespace, type names, and element names – col. 14, lines 54-65 (The schema recognizer service receives as input XML data or plain text. For XML, the schema recognizer service queries the schema store using a standard storage query service to determine the schema type, using the XML namespaces to narrow the list of possibility); col. 23, lines 30-39 (distributed subscriptions to the events in the group are represented by objects in the distributed namespace provided by the directory component); col. 42; col. 45, lines 5-32.

characterizing both an old version and a new version of a schema by assigning and preserving a version of each schema to a first attribute of the schema - col. 10, lines 10-59 (depending on the user interface capabilities of the client, the page component

may silently redirect invocations to particular versions of the page that are compatible with the client...The page component may also invoke different page versions depending on the processing capability of the device that is to implement the page component); col. 14, lines 23-65; col. 22, lines 27-45 (the event schema is extensible...allows backward (upward) compatible versioning. Event types have well-defined characteristics based on a strong extensible type system); col. 42, lines 5-64.

maintaining the namespace, type names, and element names of each version of the schema independent of the version – col. 3, lines 14-55 (schema is a set of rules or standards that define how a particular type of data can be structured); col. 14, line 54 to col. 15, line 17 (The schema recognizer service receives as input XML data or plain text. For XML, the schema recognizer service queries the schema store using a standard storage query service to determine the schema type, using the XML namespaces to narrow the list of possibilities...Schema persisted in the schema store 290 may describe the applications, scripts, components, method bindings or data sources that can be used to act on or represent a specific schema type. For example, and application may provide a standard user interface to display data of specific schema type..."); col. 23, lines 30-39 (distributed subscriptions to the events in the group are represented by objects in the distributed namespace provided by the directory component); col. 42; col. 45, lines 5-32.

allowing expansion of the types and elements while maintaining the respective type names or element names – col. 10, lines 10-59 (depending on the user interface capabilities of the client, the page component may silently redirect invocations to

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particular versions of the page that are compatible with the client...The page component may also invoke different page versions depending on the processing capability of the device that is to implement the page component); col. 13, line 32 to col. 14, line 49 (downward compatible: by dynamically support new schemas by providing shared mechanisms to recognize data and by transforming data in one schema to another schema); col. 22, lines 27-45 (the event schema is extensible...allows backward compatible versioning. Event types have well-defined characteristics based on a strong extensible type system);

accepting without change unexpanded types and elements present in the old version of the schema into the new version of the schema so that by maintaining the namespace, type names, and element names the new and the old schema versions are both upward compatible and downward compatible - col. 10, lines 10-59 (depending on the user interface capabilities of the client, the page component may silently redirect invocations to particular versions of the page that are compatible with the client...The page component may also invoke different page versions depending on the processing capability of the device that is to implement the page component.); col. 13, lines 32-67; col. 14, lines 23-49 (downward compatible: by dynamically support new schemas by providing shared mechanisms to recognize data and by transforming data in one schema to another schema); col. 22, lines 27-45 (the event schema is extensible...allows backward (upward) compatible versioning. Event types have well-defined characteristics based on a strong extensible type system).

As per claims 8, 12, Belfiore teaches

wherein a calendar date indicative of the new or old version can be assigned via a second attribute for each version of the schema – col. 12, lines 47-54; col. 42, lines 5-25; col. 45, lines 7-18.

As per claims 9-10, 13-14, Belfiore teaches

wherein the schemas are described by an extensible markup language – col. 9, lines 39-61; col. 13, line 32 to col. 14, line 65.

Response to Arguments

Applicant's arguments filed 5/19/08 have been fully considered but they are not persuasive. Examiner in the previous Office Action failed to recognize that Belfiore does teach maintaining the namespace, type names, and element/component names of versions of schemas. However, a new rejection with columns and lines are listed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2163

June 11, 2008
/don wong/
Supervisory Patent Examiner, Art Unit 2163